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THE HIGH COURT OF ORISSA: CUTTACK

NOTIFICATION

The 9th July, 2024

No.1327/R.— Consequent upon enactment of three new laws, namely, "The Bharatiya Nagarik Suraksha Sanhita, 2023", "The Bharatiya Nyaya Sanhita, 2023" and "The Bharatiya Sakshya Adhiniyam, 2023" and in exercise of the powers conferred under Article 225 of the Constitution of India, the High Court of Orissa hereby makes the following Rules further to amend the Rules of the High Court of Orissa, 1948, Volume-II (1967 Edition) namely:-

1. (i) These Rules shall be called "Rules of the High Court of Orissa, Vol-II (Amendment), 2024."
(ii) They shall come into force from the date of their publication in the Official Gazette.
2. In Rules of the High Court of Orissa, 1948, Volume-II (herein after referred to as the said Rules), Chapter-XXVI, shall be substituted as follows:

"CHAPTER XXVI

Rules under section 523 of the Bharatiya Nagarik Suraksha Sanhita, 2023

1. The rules in Chapter XXV framed under section 27 of the Indian Press (Emergency Powers) Act (No. XXIII of 1931) shall, mutatis mutandis, be applicable to every application made and to every proceeding taken under section 99 of the Bharatiya Nagarik Suraksha Sanhita, 2023".
2. In the said Rules, in sub-rule(1) of Rule-13 of part C of Chapter XXVIII of the said Rules, the words and figures "Code of Criminal Procedure, 1898 (V of 1898)" shall be substituted by the words and figure "Bharatiya Nagarik Suraksha Sanhita, 2023".
3. In the said Rules, Rule-17 of part C, Chapter XXVIII, shall be substituted as follows:

“17. (1) Where an offence triable under section 45-J (1) is tried summarily, the procedure provided in the Bharatiya Nagarik Surakshya Sanhita, 2023 for the trial of summons cases shall so far as it is not inconsistent with the provisions of the Act, be applicable. Where, however, the offence to be tried summarily under section 45-J(1) is tried jointly with an offence under section 45-J (2), the procedure provided in the Bharatiya Nagarik Surakshya Sanhita, 2023 for the trial of Warrant cases shall be applicable provided that it shall not be necessary to adjourn the case under section 266(1) of the Bharatiya Nagarik Surakshya Sanhita, 2023 before requiring the accused to enter upon his defence or inquiring of him whether he wishes to further cross-examine any witness whose evidence has been taken.

(2) Where the offences triable under section 45-J are not tried summarily, the procedure provided in the Bharatiya Nagarik Surakshya Sanhita, 2023 for the trial of Warrant cases shall, so far as it is not inconsistent with the provisions of the Act, be applicable.”

5. In the said Rules, in clause (xvi) of sub-rule(3) of Rule-8 of Chapter XXXV, the words and figures “Chapter XXXV of the Code of Criminal Procedure, 1898” shall be substituted by the words and figures “Chapter XXVIII of the Bharatiya Nagarik Surakshya Sanhita, 2023.”

By Order of the Court

PRAVAT KUMAR RAJGURU

REGISTRAR (JUDICIAL)